

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4032-08
Bill No.: SCS for SB 666
Subject: Agriculture and Animals; Agriculture Dept.; Crimes and Punishment; Law
Enforcement Officers and Agencies;
Type: Original
Date: March 15, 2012

Bill Summary: This proposal creates the Nonhuman Primate Act.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Sections 578.600 - 578.622 - Large Carnivore Act

Oversight assumes current law requires owners or possessors of large carnivores to carry insurance policies of at least \$250,000. This proposal modifies this amount to either \$50,000 or an amount set by the Department of Agriculture (AGR). This proposal allows the acquisition of a surety bond or the making of cash deposits with the State Treasurer's Office instead of liability insurance as evidence of financial responsibility in the event of damages caused by the large carnivore.

Oversight assumes current law allows a maximum fee of \$2500 and \$500 that may be charged by AGR for a large carnivore permit and renewal permit, respectively. This proposal removes these maximums and allows AGR to set the fees in amounts that allow AGR to cover only up to its reasonable costs to administer the proposal.

Oversight assumes AGR will set fees for large carnivore and renewal permits to equal expenses.

Oversight assumes the Large Carnivore Act will no additional fiscal impact on AGR.

Sections 578.700 - 578.745 - Nonhuman Primate Act

In response to the previous version of this proposal, officials at the **Department of Agriculture (AGR)** assumed this proposal would require every individual that has an animal that falls under this proposal to obtain a permit from AGR.

AGR assumed this proposal requires AGR to promulgate rules and regulations for the possession of non-human primates, and create a database to maintain records on permits issued. AGR would work with local authorities, humane societies, other state agencies, and other states as situations arise involving non-human primates.

AGR requested 1.00 Animal Health Officer (AHO) - responsible for the enforcement of state and federal animal health statutes and regulations. The AHO would conduct investigations of alleged violations of the proposed legislation. Work with program participants, general public, humane societies, law enforcement agencies, other state agencies and states concerning program issues as well as illegal activities.

ASSUMPTION (Continued)

AGR requested .5 Office Support Assistant who would serve as support to the program coordinator. Assist with the development of program forms, database, issuance of permit and annual renewal process and procedures. Direct program participants and general public to proper destinations; receive and distribute program information.

AGR assumed a fee may be established by this proposal set equal to the administration of the program. Fees will be collected from those individuals or businesses that register non-human primates and placed into the created "Nonhuman Primate Fund".

AGR assumed the following administrative costs to the "Nonhuman Primate Fund" for 1.5 FTE. Costs include salaries, fringe benefits, and equipment.

FY13 = \$134,896

FY14 = \$98,681

FY15 = \$99,770

AGR stated the number of non-human primates in Missouri is unknown.

Oversight assumes the number of non-human primates living in the state of Missouri in non-exempt facilities is unknown or minimal.

Oversight assumes fees paid by individuals or businesses registering an original application or renewal for non-human primates would be insufficient to meet the additional costs associated with the additional 1.5 FTE requested by AGR.

Oversight assumes AGR could absorb the costs related to implementation of rules and regulations and administration of the Nonhuman Primate Act.

Oversight assumes if AGR becomes aware of a significant number of non-human primates living in the state or a measurable increase in the number of nonhuman primates living in the state occurs, the department may seek additional appropriation at that time through the normal appropriation process.

In response to the previous version of this proposal, officials at the **Office of the Attorney General** assumed that the number of nonhuman primates would be minimal and that any related costs could be absorbed with existing resources. If AGO receives significant referrals from AGR as a result of this proposal, it may request additional future appropriation.

ASSUMPTION (Continued)

In response to the previous version of this proposal, officials from the **Office of the Secretary of State (SOS)** stated many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials at the **Department of Corrections (DOC)** assumes the penalty provisions, the component of the bill to have potential fiscal impact for DOC, is for up to a class D felony. Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

DOC states if additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase of direct offender costs either through incarceration (FY11 average of \$16.878 per offender, per day, or an annual cost of \$6,160 per inmate) or through supervision provided by the Board of Probation and Parole (FY11 average of \$5.12 per offender, per day or an annual cost of \$1,869 per offender).

DOC assumes the narrow scope of the crime will not encompass a large number of offenders.

DOC assumes the low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence

DOC assumes the probability exists that offenders would be charged with a similar but more serious offense or that sentences may run concurrent to one another.

ASSUMPTION (Continued)

DOC states supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crimes of a possession of a non-human primate without a permit would become a new class A misdemeanor. Releasing a non-human primate into the wild would be a new class D felony.

SPD assumes while the number of new cases may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials at the **Department of Conservation, State Treasurer's Office, Office of State Courts Administrator, Office of Prosecution Services, and Springfield Police Department** each assume there is no fiscal impact from this proposed legislation.

In response to the previous version, officials at the **Missouri State Highway Patrol and Boone County Sheriff's Department** each assumed there is no fiscal impact from this proposed legislation.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Yes - Direct fiscal impact to small businesses who have a non-human primate and large carnivores would be expected as a result of this proposal.

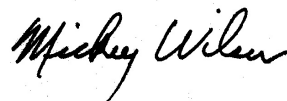
FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Agriculture
Department of Conservation
Department of Corrections
Missouri State Highway Patrol
State Public Defender's Office
Office of the Attorney General
Office of State Courts Administrator
State Treasurer's Office
Office of Secretary of State
Office of Prosecution Services
Boone County Sheriff's Department
Springfield Police Department



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Director
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